

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

February 15, 2007

The Marlboro Township Council held its regularly scheduled meeting on February 15, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of January 4 & 25, 2007, be approved. This motion was seconded by Councilwoman Tragni and the minutes were passed on a roll call vote of 5 - 0 in favor.

Council President Cantor opened the Public Hearing on Ordinance # 2007-2 (Recreation Fees 2007). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2007-76/Ord. # 2007-2 (Recreation Fees 2007) (As amended) was introduced by reference, offered by

Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-76

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-2 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117  
"RECREATIONAL FACILITIES" OF THE CODE  
OF THE TOWNSHIP OF MARLBORO

which was introduced on January 25, 2007, public hearing held February 15, 2007, be adopted on second and final reading this 15<sup>th</sup> day of February, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance # 2007-5 (Amend Chapter 84 - Uses in C-2 Zone). After the public hearing was held and closed, the following Resolution Res. # 2007-77/Ord. # 2007-5 (Amend Chapter 84 - Uses in C-2 Zone) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-77

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND  
USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE  
TOWNSHIP OF MARLBORO TO PERMIT COMMERCIAL EDUCATIONAL  
FACILITIES IN THE C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

which was introduced on February 1, 2007, public hearing held February 15, 2007, be adopted on second and final reading this 15<sup>th</sup> day of February, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2007-78/Ord. # 2007-6 (Allowing Sponsorship of Non-Residents - Swim Club) was introduced by reference, offered by Councilman Pernice and seconded by Council Vice President Rosenthal. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 1 in favor with Council Vice President Rosenthal voting no.

RESOLUTION # 2007-78

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-6

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132 "TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND MARLBORO AQUATIC CENTER" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 1, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-6

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132 "TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND MARLBORO AQUATIC CENTER" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Article I "Marlboro Swim Club" and Article II "Marlboro Aquatic Center" of Chapter 132 "Township Swim Utility, Marlboro Swim Club and Marlboro Aquatic Center" sets forth the rules and regulations for the operation of the Marlboro Swim Club and Marlboro Aquatic Center; and

WHEREAS, membership in the Marlboro Swim Club and Marlboro Aquatic Center is currently only available to residents of the Township of Marlboro; and

WHEREAS, the Swim Club Division has recommended that Article I and Article II of Chapter 132 be amended to allow each Swim Club resident membership to sponsor a non-resident family or individual for membership in the Marlboro Swim Club or Marlboro Aquatic Center;

WHEREAS, the Swim Club Division also recommends that Chapter 132 be revised to reflect certain updated fees applicable to the Marlboro Swim Club and Marlboro Aquatic Center; and

WHEREAS, the Township Council and the Mayor now desire to adopt the recommendations of the Swim Club Division.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Section 132-2 "Definitions" of Article I "Marlboro Swim Club" of Chapter 132 "Township Swim Utility, Marlboro Swim Club and Marlboro Aquatic Center" be and hereby is amended to include the following definitions:

"RESIDENT MEMBER OR RESIDENT MEMBERSHIP - Shall mean a family or individual residing in the Township of Marlboro who holds a membership, whether full-time or part-time and whether family, individual or senior, in the Marlboro Swim Club."

"SPONSORED MEMBER OR SPONSORED MEMBERSHIP - Shall mean a family or individual residing outside of the Township of Marlboro who holds a membership, whether full-time or part-time and whether family or individual, in the Marlboro Swim Club as a result of being sponsored for membership by a resident membership."

BE IT FURTHER ORDAINED that Section 132-3 "Membership in facility" of Article I "Marlboro Swim Club" of Chapter 132 "Township Swim Utility, Marlboro Swim Club and Marlboro Aquatic Center" be and hereby is amended in its entirety to read as follows:

**"§ 132-3 Membership in Facility.**

A. Membership. Membership in the Marlboro Swim Club shall be available to residents of the Township and to sponsored non-residents. The maximum number and types of resident and sponsored memberships available for a particular year shall be established by the Administration and the Swim Club Division on an annual basis.

B. Sponsored Memberships. Subject to availability, each resident membership in the Marlboro Swim Club, whether full-time or

part-time and whether family, individual or senior, shall have the right to sponsor per season one non-resident family or individual for a full-time or part-time family or individual sponsored membership in the Swim Club and/or a weekend sponsored membership in the Marlboro Aquatic Center (see Article II of this Chapter). The sponsored family or individual shall then have the right to obtain a sponsored membership at the Marlboro Swim Club and/or Marlboro Aquatic Center in the subsequent year. Sponsored memberships shall be available on a first-come, first-serve basis up to the maximum number of sponsored memberships as determined by Administration and the Swim Club Division on an annual basis and as may be amended from time to time.

C. Types of Membership.

(1) Full-time membership. A full-time member shall be entitled to use the Swim Club in accordance with a schedule that shall be established by the Swim Club Division on an annual basis.

(2) Part-time membership. A part-time member shall be entitled to use the Swim Club in accordance with a schedule that shall be established by the Swim Club Division on an annual basis.

D. Types of Full-Time and Part-Time Memberships.

(1) Family membership. This membership includes a husband and wife or widow or widower and all children, natural or adopted, under the age of 25 years and unmarried, living in the same residence.

(2) Individual membership. This membership is available to any person age 15 and over on or before the start of the season. However, no such membership shall be sold to anyone under the age of 18 without the express written consent from a parent or legal guardian of the minor child.

(3) Senior membership. This membership is available to any resident age 62 or older on or before the start of the season.

E. For purposes of this Section, a family membership shall count as one (1) membership and an individual membership or senior membership shall count as one-half (1/2) of a membership.

F. Use of Facility by Resident Non-Members.

(1) In addition to establishing the number and types of memberships available to residents and sponsored non-residents, the Swim Club Division shall annually establish the number of daily passes ("dailies) available to resident non-members, if any.

(2) A daily pass shall entitle a resident non-member to use the facility, any day, on or after the third Monday in August of each season.

(3) The fee required for admittance into the facility on a daily pass shall be as follows:

<u>Type</u>	<u>Fee (Weekdays, Weekends and Holidays)</u>
Adult	\$9.00
Child	\$4.50
Senior	\$4.50

G. All memberships are non-transferable to another family. However, an individual resident member may, at any time, transfer his or her membership to another resident family member that is 15 years of age or older. However, the resident member transferring his or her membership must first surrender to the Swim Club Office, his or her active ID card and will not be entitled to use the facility as a member, during the unpaid season. A new ID card will then be issued to the resident family member to whom the membership is transferred at a fee of five dollars (\$5.00).

H. The Swim Club Division shall establish on an annual basis the Swim Club facility programs that shall be made available to a resident membership, sponsored membership or to any resident non-member admitted on a daily pass.

I. Inactive Membership Status (applicable to a full-time resident membership only).

(1) Upon notice to the Swim Club Office at the Marlboro Township Municipal Complex, a full-time resident member shall be entitled to freeze his/her/their membership in the Swim Club and will not be required to pay the annual membership fee. The resident member must surrender to the Swim Club Office all swim club photo identification cards in his/her/their possession at this time and will not be entitled to use the facility as a member, during the unpaid season. For that season, the resident member will be placed on inactive status and on the unpaid, full-time membership list.

(2) Prior to the start of the next season, a resident member on inactive status will be offered active status as a full-time resident member again. The resident member may freeze his/her/their membership again in the manner prescribed above in I(1) or the member must notify the Swim Club Office of his/her/their intention to reactivate membership status and pay the requisite membership fees for the season to reactive membership. Failure to freeze the membership or make payment of the membership fees in the manner set forth herein will result in the loss of full-time resident membership status.

(3) Notwithstanding anything contained herein to the contrary, a resident member on inactive status is not precluded from using the Swim Club facility as a guest of a member on active status.

(4) To defray administrative costs, the fee for freezing a membership shall be \$25.00.

J. Membership Option for a Divorced Resident. If a husband and wife with a full-time family resident membership become divorced, then each divorced party shall, if elected in the first season following the divorce, be permitted to maintain a separate full-time family resident membership or separate full-time individual resident membership. Each of the divorced spouses shall be permitted to maintain separate full-time family resident memberships upon remarriage. In that event, each full-time family resident membership would include the extended family. This provision shall, however, only apply to a divorced spouse who continues to maintain a Marlboro residence."

BE IT FURTHER ORDAINED that Section 132-4 "Membership fees" of Article I "Marlboro Swim Club" of Chapter 132 "Township Swim Utility, Marlboro Swim Club and Marlboro Aquatic Center" be and hereby is amended in its entirety to read as follows:

**"§ 132-4 Membership and Other Fees.**

A. Resident membership fees for each season shall be as follows:

(1) Tier I - From October 1 until November 30 of each season, resident memberships shall be offered at the following rates:

- a. Full-Time Family - \$375.00
- b. Full-Time Individual - \$190.00

- c. Full-Time Senior - \$100.00
- d. Part-Time Family - \$350.00
- e. Part-Time Individual - \$175.00
- f. Part-Time Senior - \$90.00; and

(2) Tier II - From December 1 through February 28 of each season, resident memberships shall be offered at the following rates:

- a. Full-Time Family - \$425.00
- b. Full-Time Individual - \$215.00
- c. Full-Time Senior - \$110.00
- d. Part-Time Family - \$400.00
- e. Part-Time Individual - \$200.00
- f. Part-Time Senior - \$100.00; and

(3) Tier III - After February 28 of each new season, resident membership shall be offered at the following rates:

- a. Full-Time Family - \$450.00
- b. Full-Time Individual - \$225.00
- c. Full-Time Senior - \$115.00
- d. Part-Time Family - \$425.00
- e. Part-Time Individual - \$215.00
- f. Part-Time Senior - \$110.00; and

(4) Mid-Season Membership - To the extent resident memberships are still available, a resident joining as a new member may obtain a mid-season resident membership on the third Monday of July at the following rates:

- a. Family Membership - \$250.00;
- b. Individual Membership - \$125.00; and
- c. Senior Membership - \$75.00.

The fee paid for a mid-season membership is non-refundable.

B. Sponsored membership fees for each season shall be as follows:

On a date that shall be determined by Administration and the Swim Club Division on an annual basis, sponsored memberships shall be available at the following rates:

- (1) Full-Time Family - \$550.00
- (2) Full-Time Individual - \$275.00
- (3) Part-Time Family - \$525.00



(4) Part-Time Individual - \$262.50.

C. Companion Membership at Marlboro Aquatic Center.

Beginning October 1 of each season, any resident membership of the Marlboro Swim Club may add-on a Marlboro Aquatic Center membership at the following annual rates, as applicable:

- (1) Add-On Weekend Family Membership - \$49.00
- (2) Add-On Weekend Individual Membership - \$25.00
- (3) Add-On Weekend Senior Membership - \$13.00

D. Other Fees Applicable to Resident and Sponsored Memberships.

(1) Pursuant to state law, all Marlboro Swim Club membership fees as set forth in this Section are subject to the 7% State of New Jersey sales and use tax, as may be amended from time to time.

(2) The administrative fee for the refund of a full-time or part-time resident or sponsored membership fee made prior to the start of the season shall be thirty-five dollars (\$35.00). There shall be no refund of any such fees after the date established for the start of the season.

(3) Resident or sponsored members who pay by check and whose checks are returned by their bank as uncollectible for any reason will be charged an additional fee of thirty-five dollars (\$35.00) for each returned check.

E. Program Fees. Fees for Swim Club facility programs are as follows:

(1) Group Swimming and Diving Lessons.  
Payments for the below classes must be for a full session only. There will be no refund of swimming or diving lesson fees. There will be no make-up for rained out classes:

a. Regular Group Swim Lessons - Ten (10) classes per session, each class one-half (1/2) hour in duration, at a cost of six dollars (\$6.00) per class, sixty dollars (\$60.00) per session;

b. Moms and Tots - Six (6) classes per session, each class one-half (1/2) hour in duration, at a cost of six dollars (\$6.00) per class, thirty-six (\$36.00) per session; and

c. Advanced Swimming and Introduction to Diving - Ten (10) classes per session, each class one (1) hour in duration, at a cost of eight dollars (\$8.00) per class, eighty dollars (\$80.00) per session.

(2) Private Swim Lessons. Each lesson shall be one-half (1/2) hour in duration and the following shall apply:

a. Interested members shall purchase a coupon book containing three (3) coupons at a cost of sixty dollars (\$60.00);

b. For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club Office at the Municipal Complex. The instructor shall receive fourteen dollars (\$14.00) per one-half (1/2) hour lesson; and

c. There shall be no refund of the private swim lesson fee.

(3) There shall be swim team fees during the season as set forth below in subsections (a) through (e). There shall be no refund of any swim team fee. Except for those fees set forth in subsection (d) and (e) below, of the swim team fees paid, the swim team shall receive fifty percent (50%) and the Swim Club Division shall retain the other fifty percent (50%):

a. Fifty dollars (\$50.00) for the first child in the family;

b. Forty-five dollars (\$45.00) for the second child in the family;

c. Forty dollars (\$40.00) for each additional child in the family; and

d. There shall be a separate fee for the year-end Swim Team Banquet, to be determined by the Swim Team Parent's Organization.

e. There shall be a separate fee for the hospitality table of eight dollars (\$8.00) per family. The swim team shall receive one hundred percent (100%) of that fee.

(4) Private Diving Lessons. Each lesson shall be one-half (1/2) hour in duration and the following shall apply:

a. Interested members shall purchase a coupon book containing three (3) coupons at a cost of sixty dollars (\$60.00);

b. For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club Office at the Municipal Complex. The instructor shall receive fourteen dollars (\$14.00) per one-half (1/2) hour lesson; and

c. There shall be no refund of the private diving lesson fee.

(5) Swim Club Day Camp. The fee for children enrolled in the Swim Club Day Camp for the half-day program for the season shall be four hundred seventy-five dollars (\$475.00). The fee for children enrolled in the Swim Club Day Camp for the full-day program for the season shall be six hundred twenty-five dollars (\$625.00). The day camp refund policy shall be as follows:

a. There will be no camp refund after March 31;

b. If a child is withdrawn before the start of camp prior to March 31, an administrative fee in the amount of forty dollars (\$40.00) shall be retained by the Swim Club Division; and

c. If a child is asked by the Swim Club Management to leave camp during the first three weeks, only twenty five percent (25%) of the fee shall be refunded.

F. Fee for Use of the Facility by a Competitive Swim Team or Other Outside Organization.

(1) The use of the Swim Club facility by any competitive swim team will be subject to the approval of the Swim Division. Upon attaining such approval, the swim team shall be subject to a fee of forty dollars (\$40.00) per hour. The number of main pool lanes to be available to the competitive swim team per day shall be at the discretion of the on-duty Pool Manager.

(2) The fee, if any, for the use of the facility by any other type of outside organization shall be determined on a case-by-case basis by the Swim Club Division.

G. Additional Miscellaneous Fees and Other Offers. The following additional fees and regulations shall be established for the season:

(1) In order to provide an incentive to the Swim Club staff, any seasonal staff member employed by the Swim Club who works over (250) hours per year, or who works from the beginning of their program to the end of their program, or who works the contractual number of hours for which they were hired, may enroll up to two (2) of their children in the Swim Club day camp program for the season and that staff member may deduct the following applicable amounts from the day camp fee:

- a. First Child: \$300.00; and
- b. Second Child: \$150.00.

(2) For each season, scholarships will be available to residents for membership or for any program conducted by the Swim Club and shall be granted as follows:

- a. The resident must make an application to the Swim Club Division;
- b. A membership shall only be eligible for scholarship assistance for three (3) consecutive seasons; and
- c. The Swim Club Division shall be authorized to issue no more than ten (10) scholarships.

(3) Marlboro Township distributes a "Welcome Pak" to new families who move into the Township. In order to encourage new Township residents to experience the facility, the Swim Club shall allow any new family moving into the Township to use the Swim Club on "open house days" or on any other day deemed appropriate, as scheduled or determined by the Swim Club Division, at no charge.

(4) The set-up fee for a member party at the Swim Club requiring tables and chairs shall be as follows:

<u>Set Up</u>	<u>Fee</u>
2 Tables, 20	\$25.00
Chairs:	\$5.00 each
Additional	\$1.00 each
Tables:	
Additional	
Chairs:	

At the discretion of the Swim Club Manager, a refund of all party fees paid may be made due to inclement weather."

BE IT FURTHER ORDAINED, that Section 132-16 "Definitions" of Article II "Marlboro Aquatic Center" of Chapter 132 "Township Swim Utility, Marlboro Swim Club and Marlboro Aquatic Center" be and hereby is amended to include the following additional definitions:

"WEEKEND RESIDENT MEMBER" OR "WEEKEND RESIDENT MEMBERSHIP" - Shall mean a family or individual residing in the Township of Marlboro who holds a weekend membership, whether family, individual or senior, in the Marlboro Aquatic Center.

"WEEKEND SPONSORED MEMBERSHIP - Shall mean a family or individual residing outside of the Township of Marlboro who holds a weekend membership, whether family or individual, in the Marlboro Aquatic Center as a result of being sponsored for membership by a resident membership of the Marlboro Swim Club."

BE IT FURTHER ORDAINED, that Section 132-17 "Membership in Facility" of Article II "Marlboro Aquatic Center" of Chapter 132 "Township Swim Utility, Marlboro Swim Club and Marlboro Aquatic Center" be and hereby is amended to read in its entirety as follows:

**"§ 132-17                    Membership in Facility.**

A.    Membership in the Marlboro Aquatic Center shall only be available to residents of the Township and non-residents who are sponsored for membership pursuant to Section 132-3(B). The maximum number and types of weekend resident and sponsored memberships available for a particular year shall be established by the Administration and the Swim Club Division on an annual basis and as may be amended from time to time.

B.    Types of Membership. Residents and non-resident sponsored members may purchase a weekend resident or sponsored membership in the Marlboro Aquatic Center which entitles the member to use the Facility in accordance with a schedule that shall be established by the Swim Club Division on an annual basis. The following types of weekend memberships are available:

(1)   Family membership. This membership includes a husband and wife or widow or widower and all children, natural or adopted, under the age of 25 years on or before the start of the season and unmarried, living in the same residence.

(2) Individual membership. This membership is available to any person age 15 and over on or before the start of the season. However, no such membership shall be sold to anyone under the age of 18 without the express written consent from a parent or legal guardian of the minor child.

(3) Senior membership. This membership is available to any resident age 62 or older on or before the start of the season.

C. For purposes of this Section, a family membership shall count as one (1) membership and an individual membership or senior membership shall count as one-half (1/2) of a membership.

D. All memberships are non-transferable to another family. However, an individual weekend resident member may, at any time, transfer their weekend resident membership to another family member that is 15 years of age or older. However, the member transferring their membership must first surrender to the Swim Club Office, their active ID card and will not be entitled to use the Facility as a member, during the unpaid season. A new ID card will then be issued to the family weekend resident member to whom the membership is transferred at a fee of five dollars (\$5.00).

BE IT FURTHER ORDAINED, that Section 132-18 "Membership and Other Fees" of Article II "Marlboro Aquatic Center" of Chapter 132 "Township Swim Utility, Marlboro Swim Club and Marlboro Aquatic Center" be and hereby is amended to read in its entirety as follows:

**"§ 132-18            Membership and Other Fees.**

A. Weekend Resident membership fees for each season shall be as follows:

- (1) Weekend Family Membership -     \$249.00
- (2) Weekend Individual Membership -     \$125.00
- (3) Weekend Senior Membership -     \$65.00

B. Notwithstanding the foregoing and in accordance with Section 132-4(C), a family, individual or senior who has a current resident membership at the Marlboro Swim Club shall be entitled to obtain a weekend resident membership at the Marlboro Aquatic Center by paying the following discounted membership fee:

- (1) Weekend Family Membership -     \$49.00
- (2) Weekend Individual Membership -     \$25.00
- (3) Weekend Senior Membership -     \$13.00.

C. Weekend sponsored membership fees for each season shall be as follows:

- a. Weekend Family - \$299.00
- b. Weekend Individual - \$150.00.

D. Pursuant to state law, all Marlboro Aquatic Center membership fees as set forth in this Section are subject to the 7% State of New Jersey sales and use tax, as may be amended from time to time.

E. The administrative fee for the refund of a weekend resident or sponsored membership fee made prior to the start of the season shall be thirty-five dollars (\$35.00). There shall be no refund of any such fees after the date established for the start of the season.

F. Members who pay by check and whose checks are returned by their bank as uncollectible for any reason will be charged an additional fee of thirty-five dollars (\$35.00) for each returned check.

G. Private Swim Lessons. Each lesson shall be one-half (1/2) hour in duration and the following shall apply:

(1) Interested members shall purchase a coupon book containing three (3) coupons at a cost of sixty dollars (\$60.00);

(2) For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club Office at the Municipal Complex. The instructor shall receive fourteen dollars (\$14.00) per one-half (1/2) hour lesson; and

(3) There shall be no refund of the private swim lesson fee."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2007-79 (Petitioning Legislature to Consider Legislation to Prevent Indicted Developers From Proceeding with Construction) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-79

A RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO ENACT  
LEGISLATION TO PREVENT INDICTED DEVELOPERS FROM PROCEEDING WITH  
CONSTRUCTION UNTIL CRIMINAL MATTERS ARE ADJUDICATED

WHEREAS there has been significant corruption in the State of New Jersey and within the Township of Marlboro involving its former elected and appointed officials and land use developers; and

WHEREAS, the United States Attorney has obtained multiple convictions by guilty pleas of former Marlboro elected and appointed officials and there are numerous other persons charged with criminal conduct arising from the procurement of development approvals to develop land within Marlboro Township; and

WHEREAS, New Jersey law supports the proposition that a person who commits an illegal act should not be permitted to financially gain from that criminal conduct particularly when a public entity is impacted by that criminal activity; and

WHEREAS New Jersey statutes do not specifically authorize a municipality to rescind and/or withhold development approvals or to otherwise stop development projects even after a land use developer and/or an elected or appointed official have been charged with a crime related to such development approvals; and

WHEREAS, municipalities suffer irreparable harm when the approvals for development projects are procured through criminality, but such projects are permitted to be constructed before the final adjudication of the criminal charges; and



NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro hereby urges the New Jersey Legislature to enact legislation that would authorize a municipality to rescind and/or withhold land use approvals or to otherwise stop development projects if a land use developer or governmental official has been charged with a crime related to that development project.

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby directed to provide a certified copy of this resolution to the Legislators representing the Township of Marlboro and Governor Jon Corzine so that this important public issue may be addressed.

The following Res. # 2007-80 (Reject - CCTV Equipment Installation) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-80

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE  
INSTALLATION OF CCTV EQUIPMENT FOR THE MARLBORO TOWNSHIP  
BOARD OF EDUCATION BUILDINGS IN CONNECTION WITH THE  
"SECURE OUR SCHOOLS" GRANT AWARDED TO THE MARLBORO  
TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the installation of CCTV equipment for the Marlboro Township Board of Education buildings in connection with the "Secure our Schools" Grant awarded to the Marlboro Township Police Department; and

WHEREAS, following the receipt of bids for the performance of said services, it was determined that the Marlboro Township Board of Education would install the CCTV equipment itself and therefore it is unnecessary to award a contract to an outside vendor.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, in accordance with N.J.S.A. 40A:11-13.2(c), that all bids received by the Township for the installation of CCTV equipment for the Marlboro Township Board of Education buildings in connection with the "Secure our Schools" grant awarded to the Marlboro Township Police Department be and hereby are rejected.

The following Res. # 2007-81 (Police off-duty Assignments) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-81

A RESOLUTION AMENDING THE FEES FOR SPECIAL  
DUTY ASSIGNMENT FOR POLICE OFFICERS

WHEREAS, various businesses operating within the Township of Marlboro from time to time request assistance from members of the Township of Marlboro Division of Police to perform special duty assignment services; and

WHEREAS, it is deemed to be in the interest of safety that personnel specially trained to undertake these activities be used in performance of these duties; and

WHEREAS, work performed is to be considered a "special duty assignment from independent contractors" pursuant to Section 4-98(E) of the Code of the Township of Marlboro and as such is exempt from the Fair Labor Standards Act; and

WHEREAS, Section 4-98(E)(6) of the Code of the Township of Marlboro provides that the charges for all extra duty services shall be set forth in a resolution adopted by the governing body; and

WHEREAS, said charges were initially established by Resolution #2000-105; and

WHEREAS, the Division of Police has recommended that the hourly rates for special duty assignments be amended as follows:

Construction Work	\$75.00 (formerly \$46.00)
Security Work	\$75.00 (formerly \$46.00)
Extracurricular School Work	\$57.50 (formerly \$30.00)
Non-Profit Sporting Work	\$57.50 (formerly \$30.00)
Other Non-Profit	\$30.00 (no change)
Other	\$75.00 (formerly \$46.00)

WHEREAS, the Division of Police further recommend that fifteen percent (15%) of the total hourly charge shall be retained by the Township, remaining payment shall be paid to the officer performing the services, and

WHEREAS, these amended rates have been agreed to by the majority representatives of the collective bargaining units of the employees affected; and

WHEREAS, such assignments are to be approved through the Chief of Police and are subject to all other provisions of Section 4-98(C) of the Code of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, effective April 1, 2007, the Chief of Police or his designee is hereby authorized for and on behalf of the Township to enter into agreements and/or amendments to agreements providing for special duty assignments for which the Township shall be compensated as set forth above per hour and under the conditions set forth above; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Chief of Police
- b. Business Administrator
- c. Chief Financial Officer
- d. Gluck Walrath LLP

The following Res. # 2007-82 (Emergency Temporary Budget - 6 months) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2007-82

#### EMERGENCY TEMPORARY RESOLUTION PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation in anticipation of the adoption of the 2007 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2006 appropriations with the exception of debt service and seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2006 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$14,831,168.52 for the

municipal budget and \$519,862.50 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2007 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Appropriations exceeding 50% of 2006 funding levels are in **bold**

<b>Current Fund</b>	2006 Operating Budget	2007 Temporary Emergency
Administration (30)		
Salary & Wages	227,500.00	113,750.00
Other Expenses	57,460.00	28,730.00
Office of the Mayor (10)		
Salary & Wages	60,000.00	30,000.00
Other Expenses	5,700.00	2,850.00
Ethics Commission		
Salary & Wages	0.00	0.00
Other Expenses	8,000.00	4,000.00
Township Council (21)		
Salary & Wages	18,000.00	9,000.00
Other Expenses	8,000.00	4,000.00
Public Information		
Salary & Wages	10,500.00	5,250.00
Other Expenses	38,600.00	19,300.00
Municipal Clerk (20)		
Salary & Wages	180,000.00	90,000.00

Other Expenses	67,800.00	33,900.00
Finance		
Salary & Wages	222,500.00	111,250.00
Other Expenses	32,000.00	16,000.00
Annual Audit	47,500.00	0.00
Central Computer Services		
Salary & Wages	30,000.00	15,000.00
Other Expenses	27,740.00	13,870.00
Tax Collector		
Salary & Wages	215,000.00	107,500.00
Other Expenses	33,750.00	16,875.00
Tax Assessor		
Salary & Wages	190,000.00	95,000.00
Other Expenses	96,750.00	48,375.00
Legal Services		
Other Expenses	460,000.00	230,000.00
Engineering Services		
Salary & Wages	283,000.00	141,500.00
Other Expenses	120,000.00	<b>75,000.00</b>
Economic Development		
Salary & Wages		
Other Expenses	500.00	0.00
Community Relations		
Other Expenses	0.00	0.00
Inter- Governmental Relations		
Other Expenses	1,000.00	0.00
Homeland Security		
Salary & Wages	45,000.00	22,500.00
Other Expenses	48,500.00	24,250.00
Historic Sites Commission		
Other Expenses	3,000.00	1,500.00

Planning Board		
Salary & Wages	70,000.00	35,000.00
Other Expenses	32,800.00	16,400.00
Planning Board		
Contractual		
Other Expenses	43,380.00	21,690.00
Zoning Board		
Salary & Wages	147,000.00	73,500.00
Other Expenses	45,800.00	22,900.00
Liability Insurance	399,500.00	<b>427,800.00</b>
Workers Comp	380,000.00	<b>482,700.00</b>
Group Insurance	2,445,900.00	<b>1,355,000.00</b>
Unemployment Insurance	10,000.00	5,000.00
Police		
Salary & Wages	7,490,000.00	3,745,000.00
Other Expenses	364,250.00	182,125.00
Crime Prevention		
Other Expenses	36,535.00	18,267.50
DARE Program		
Other Expenses	15,000.00	7,500.00
Highway Safety		
Other Expenses	32,400.00	16,200.00
Emergency Management		
Salary & Wages	20,000.00	10,000.00
Other Expenses	16,350.00	8,175.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	130,000.00	65,000.00
Other Expenses	16,428.00	8,214.00
Municipal Prosecutors		
Office		

Salary & Wages	31,200.00	15,600.00
Streets and Road Maint		
Salary & Wages	1,385,000.00	692,500.00
Other Expenses	45,720.00	22,860.00
Snow Removal		
Salary & Wages	75,000.00	50,000.00
Other Expenses	366,780.00	210,000.00
Public Works - Other		
Salary & Wages	330,000.00	165,000.00
Other Expenses	61,270.00	30,635.00
Shade Tree Commission		
Salary & Wages	2,000.00	1,000.00
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	25,000.00	12,500.00
Other Expenses	642,900.00	321,450.00
Buildings & Grounds		
Salary & Wages	527,500.00	263,750.00
Other Expenses	155,400.00	77,700.00
Vehicle Maintenance		
Salary & Wages	528,000.00	264,000.00
Other Expenses	114,550.00	57,275.00
Community Services Act		
Other Expenses	100,000.00	0.00
Open space Committee		
Salary & Wages	4,200.00	2,100.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,900.00	950.00
Drug Abuse Control		
Other Expenses	11,550.00	5,775.00
Environmental Health Services		
Salary & Wages		

Other Expenses	8,000.00	4,000.00
Animal Control Services		
Other Expenses	40,000.00	<b>30,000.00</b>
Recreation		
Salary & Wages	405,000.00	202,500.00
Other Expenses	136,100.00	68,050.00
Teen Program		
Salary & Wages	0.00	0.00
Other Expenses	15,000.00	7,500.00
Summer Youth Activities		
Salary & Wages	0.00	0.00
Other Expenses	7,000.00	3,500.00
Park Maintenance		
Salary & Wages	415,000.00	207,500.00
Other Expenses	28,930.00	14,465.00
Municipal Library		
Other Expenses	18,000.00	9,000.00
Little League		
Other Expenses	0.00	0.00
Pop Warner		
Other Expenses	0.00	0.00
Prior Year Bills	39,319.21	<b>6,650.00</b>
Accumulated Leave Compensation	1,000.00	0.00
Contingent		
Other Expenses	0.00	10,000.00
Deficit in Animal control	14,583.47	0.00
Postage		
Other Expenses	53,000.00	26,500.00
Electricity	290,400.00	145,200.00
Street Lighting	562,500.00	281,250.00



Telephone	123,600.00	61,800.00
Water	15,600.00	7,800.00
Natural Gas	80,000.00	40,000.00
Sewer	7,500.00	3,750.00
Gasoline	385,000.00	192,500.00
Landfill Disposal Costs	250,000.00	125,000.00
PERS	133,000.00	<b>273,000.00</b>
FICA	950,000.00	475,000.00
Municipal Court		
Salary & Wages	310,000.00	155,000.00
Other Expenses	126,600.00	63,300.00
Public Defender		
Salary & Wages		
Other Expenses	17,000.00	8,500.00
Affordable Housing		
Salary & Wages	9,000.00	4,500.00
Other Expenses	4,700.00	2,350.00
Police Dispatch 911		
Salary & Wages	575,000.00	287,500.00
Other Expenses	224,480.00	112,240.00
LOSAP		
Other Expenses	75,000.00	0.00
PFRS		
Other Expenses	617,500.00	<b>1,032,500.00</b>
Library County Contract		
Other Expenses	5,500.00	0.00
SFSP Fire District		
Payments		
Other Expenses	14,229.00	0.00

Clean Communities Act	32,713.86	2,408.34
Monmouth Drug & Alcohol		
Grant Share	33,095.00	0.00
Local Share	8,273.75	0.00
Recycling tonnage Grant	15,913.00	<b>19,458.87</b>
Child Passenger Safety	0.00	0.00
Body Armor Grant	6,694.65	<b>7,011.10</b>
StormWater Regulation Grant	15,464.00	0.00
Developer Contributions - Park Imps	255,000.00	0.00
Alcohol Rehab Grant	0.00	353.71
Click It or Ticket	4,000.00	0.00
NJDOT Safe Streets	40,000.00	0.00
Matching Funds for Grants	11,366.00	0.00
Secure Our Schools Grant		
Grant Share	131,307.50	0.00
Local Match	131,307.50	0.00
Drunk Driving Enforcement		
S&W	7,307.76	0.00
Handicapped Rec Opportunities Grant		
Grant Share	4,910.00	0.00
Local Share	0.00	
Capital Improvement Fund		
Other Expenses	0.00	0.00
Union Hill Parking Lot Improvements		<b>75,000.00</b>

Bond Principal	1,696,000.00	<b>400,000.00</b>
Bond Interest	795,750.00	<b>450,000.00</b>
Note Interest	117,000.00	<b>0.00</b>
Green Acres Trust - P & I	28,865.00	<b>28,865.00</b>
Capital Lease program		
Principal	450,000.00	<b>0.00</b>
Interest	72,000.00	<b>30,000.00</b>
Emergency Authorizations	105,000.00	0.00
Deferred Charges	0.00	0.00
Reserve for Uncollected Taxes	1,700,000.00	0.00
Totals	30,329,122.70	14,831,168.52

<b>Swim Utility</b>	2006 Operating Budget	2006 Temporary Budget
Salary & Wages	444,000.00	222,000.00
Other Expenses	454,300.00	227,150.00
Capital Outlay	120,000.00	60,000.00
Payment of Bond Principal	10,000.00	<b>10,000.00</b>
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,700.00	<b>712.50</b>
Payment of Note Principal		
Public Employees Retirement System FICA		
Unemployment		
Totals	1,030,000.00	519,862.50

The following Res. # 2007-83 (Auth. of Professional Services McCarron - Birdsall - Site Investigation Services) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-83

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR SITE INVESTIGATION SERVICES AT BLOCK 155, LOTS 13.03 AND 13.03Q (MCCARRON PROPERTY)

WHEREAS, the Township of Marlboro is in need of site investigation services; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal dated February 5, 2007 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$22,700.00; and

WHEREAS, the Chief Financial Officer has certified in writing that the value of this proposal will exceed \$17,500.00; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Trust Account Number T-15-56-859-815.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.  
611 Industrial Way West  
Eatontown, NJ 07724-2213
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-84 (Award of Contract - Sound System) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-84

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROVISION AND INSTALLATION OF ONE (1) PUBLIC ADDRESS SYSTEM FOR THE MARLBORO TOWNSHIP TOWN COUNCIL-COURTROOM

WHEREAS, the Township of Marlboro has solicited two (2) competitive quotations for the provision and installation of one (1) public address system for the Marlboro Township Town Council-Courtroom; and

WHEREAS, the Township received two (2) quotations from the following vendors in the following amounts:

A. Feingold Music & Media  
33 Eagle Road  
Marlboro, NJ 07746  
\$20,741.24; and

B. Gramco Business Communications  
1149 Bloomfield Avenue  
Clifton, NJ 07012  
\$18,629.00; and

WHEREAS, the Administration and the Township Attorney recommend that the contract be awarded to Feingold Music & Media as the vendor submitting the most advantageous response, considering price and other factors pursuant to N.J.S.A. 40A:11-6.1; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the vendor submitting the most advantageous response, Feingold Music & Media, for provision and installation of one (1) public address system for the Marlboro Township Town Council-Courtroom.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for provision and installation of one (1) public address system for the Marlboro Township Town Council-Courtroom be and hereby is awarded to Feingold Music & Media, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Feingold Music & Media for provision and installation of one (1) public address system for the Marlboro Township Town Council-Courtroom in an amount not to exceed \$20,741.24, and in accordance with the bid proposal submitted by Feingold Music & Media; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-959-931; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution

shall be provided to each of the following:

- a. Feingold Music & Media
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-85 (Award of Contract - Emergency Service Vehicle) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-85

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE  
PROVISION OF ONE (1) 2006 FORD E-450 AMBULANCE  
CLASS I, TYPE III FOR THE TOWNSHIP OF MARLBORO  
MORGANVILLE FIRST AID AND RESCUE SQUAD

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for provision of one (1) 2006 Ford E-450 Class I, Type III Ambulance for the Township of Marlboro Morganville First Aid and Rescue Squad; and

WHEREAS, the Township received one (1) bid from the following vendor in the following amount:

- A. First Priority Emergency Vehicles  
1000 Asbury Avenue  
Asbury Park, NJ 07712  
\$138,966.00

WHEREAS, the Administration, the Director of Public Works, and the Township Attorney have reviewed the bid and recommend that the contract be awarded to First Priority Emergency Vehicles as the lowest qualified bidder submitting a legally compliant bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, First Priority Emergency Vehicles, for the provision of one (1) 2006 Ford E-450 Class I, Type III Ambulance for the Township of Marlboro Morganville First Aid and Rescue Squad.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the

provision of one (1) 2006 Ford E-450 Class I, Type III Ambulance for the Township of Marlboro Morganville First Aid and Rescue Squad be and hereby is awarded to First Priority Emergency Vehicles, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and First Priority Emergency Vehicles for the provision of one (1) 2006 Ford E-450 Class I, Type III Ambulance for the Township of Marlboro Morganville First Aid and Rescue Squad in an amount not to exceed \$138,966.00, and in accordance with the bid proposal submitted by First Priority Emergency Vehicles; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-960-932; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. First Priority Emergency Vehicles
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-86 (Authorizing 2007 Mosquito Spraying Program) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-86

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Township of Marlboro.

We understand that all pesticides used are approved for aerial application by the State and Federal governments.

It is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department



prior to each and every application.

The following Res. # 2007-87 (HDSRF Grant - Open Space Portion of DiMeo Property) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-87

RESOLUTION SUPPORTING REDEVELOPMENT STUDY AT  
THE FORMER DIMEO PROPERTY, BLOCK 160, LOT 8

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Governing Body has authorized the Planning Board to undertake a preliminary investigation to determine whether a portion of the former Dimeo Property including Block 160, Lot 8, 133 Conover Road, Morganville, New Jersey, 07751 (the "Property") is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Governing Body has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property;

WHEREAS, the Township of Marlboro is applying the Hazardous Discharge Site Remediation Fund for funding for the assessment and investigation of the former Dimeo Property in order to determine the extent or the existence of any hazardous substance or hazardous waste;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Township of Marlboro is committed to the redevelopment of the former Dimeo Property for the purpose of outdoor passive recreation/open space and finds that a realistic opportunity exists for the redevelopment of the former Dimeo Property within a three year period after the completion of the remediation of this site either through the planned redevelopment projector through alternate redevelopment.

The following Res. # 2007-88 (HDSRF Grant - Open Space Portion of DiMeo Property) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-88

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICE CONTRACT BETWEEN BANISCH ASSOCIATES, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PREPARATION OF A PLANNER'S REPORT IN CONNECTION WITH THE LITIGATION CHALLENGING ORDINANCE NO. 2006-15

WHEREAS, the Township adopted Ordinance No. 2006-15 (the "Ordinance") which rezoned certain identified properties from R-80 zoning to Land Conservation ("LC") zoning; and

WHEREAS, since the adoption of the Ordinance, various lawsuits have been initiated by property owners against the Township challenging the validity of the Ordinance (collectively, the "LC Litigation"); and

WHEREAS, as part of the LC Litigation, it is necessary for the Township to retain the services of a planner to prepare a planning report and, if necessary, provide expert testimony at trial; and

WHEREAS, Banish Associates, Inc. submitted a proposal to the Township dated April 6, 2006 to prepare the necessary planning report for the LC Litigation for a cost not to exceed \$20,000.00 and to provide necessary expert testimony and preparation for depositions and trial at its hourly rates; and

WHEREAS, Banish Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Banish Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Banish Associates, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, Banish Associates, Inc. has completed the required Political Contribution Disclosure Form pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Banish Associates, Inc. to provide the required professional services in accordance with its April 6, 2006 proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Banisch Associates, Inc. and the Township of Marlboro to prepare the necessary planning report for the LC Litigation and to provide necessary expert testimony and preparation for depositions and trial at its quoted hourly rates for a total amount not to exceed \$25,000.00 in accordance with its April 6, 2006 proposal; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01-050-291; and

BE IT FURTHER RESOLVED, that Banisch Associates, Inc.'s Business Entity Disclosure Certification and Political Contribution Disclosure Form are attached hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Banisch Associates, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-89 (Recycling Tonnage Grant) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-89

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which

tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor: Res. #2007-90 (Redemption Tax Sale Cert. B. 120.02, L. 30), Res. #2007- 91 (Cancellation 4<sup>th</sup> Quarter Taxes B. 415, L. 32.02), Res. #2007- 92 (Authorization to Bid - Equipment for Radio - Communications Union Hill & Route 9 Cell Tower), Res.

#2007- 93 (Raffle License Solomon Schechter - Casino Night), Res.  
#2007- 94 (Raffle License - St. Gabriel's - Carnival Games), Res.  
#2007- 95 (Raffle License - St. Gabriel's - On Premise 50/50) and  
Res. #2007- 96 (Raffle License - St. Gabriel's) -  
Off Premise 50/50.

RESOLUTION # 2007-90

WHEREAS, Tax Sale Certificate #06-23 for Block 120.02 Lot 30, assessed to Vitoria Mikrut-Billig, located at 144 Bramble Drive, has been redeemed in the amount of \$219.32,

WHEREAS, the holder of the above-mentioned tax sale certificate, Chun T. Li, is entitled to the amount of the sale plus interest and costs totaling \$219.32,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$219.32 be refunded to the holder of said certificate as above.

RESOLUTION # 2007-91

WHEREAS, there are taxes for the fourth quarter of the year 2006 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 415 Lot 32.02, assessed to Western Monmouth Utilities, located on Route 79,

WHEREAS, the aforementioned property is now tax exempt, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2006 fourth quarter taxes totaling \$74.58 as stated above.

RESOLUTION # 2007-92

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Equipment for Radio Communications -  
Union Hill & Route 9 Cell Tower

RESOLUTION # 2007-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RL: 02-07 be and it is hereby granted to Solomon Schechter Day School of Greater Monmouth County, 22 School Road East, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle (Non-draw - Casino Night) will be held on March 15, 2007 from 7 to 11PM at Solomon Schechter Day School of Greater Monmouth County, 22 School Road East, Marlboro, New Jersey 07746.

RESOLUTION # 2007-94

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL:03-07 (Carnival Wheels and Games) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

July 19, 2007	6PM - 11 PM
July 20, 2007	6PM - 12 PM
July 21, 2007	6PM - 12 PM
July 22, 2007	1PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2007-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 04-07 (On Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

July 19, 2007	6PM - 11 PM
July 20, 2007	6PM - 12 PM
July 21, 2007	6PM - 12 PM
July 22, 2007	1PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street,

Marlboro, N. J. 07746.

RESOLUTION # 2007-96

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 05-07 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on July 22, 2007 at 9:00 PM at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

At 9:40PM, Councilwoman Morelli moved that the meeting be adjourned. This was seconded by Council Vice President Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 15, 2007

OFFERED BY: Rosenthal AYES: 5

SECONDED BY: Cantor NAYS: 0

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ALIDA DE GAETA  
MUNICIPAL CLERK

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JEFF CANTOR  
COUNCIL PRESIDENT